

Bathersfield, Nizanna

From: Nina Bell <nbell@advocates-nwea.org>
Sent: Monday, July 11, 2016 7:21 PM
To: Bathersfield, Nizanna
Cc: Brennan, Ross; Utting, George; Horwitz, Sylvia; Eby, Louis
Subject: RE: EPA HQ FOIA-005477

Thank you Nizanna; I can wait until August 19th. Nina

From: Bathersfield, Nizanna [mailto:Bathersfield.Nizanna@epa.gov]
Sent: Monday, July 11, 2016 1:21 PM
To: nbell@advocates-nwea.org
Cc: Brennan, Ross; Utting, George; Horwitz, Sylvia; Eby, Louis
Subject: RE: EPA HQ FOIA-005477

Hi Nina,

I am writing to confirm our telephone conversation on June 28, 2016, regarding time for responding to items 4 through 6 and to update you on the status of our search for documents that are responsive to item 7 of your FOIA request, FOIA 2016-005477.

On the call, you agreed that EPA could have additional time to respond to items 4 through 6 of your request. We have collected additional documents that are potentially responsive to items 4 through 6, as well as to item 7 of your request. However, because of internal process steps that still need to be completed, I will need additional time to send you a set of documents that are deemed to be both responsive and releasable. I expect that these steps will be completed by August 19th.

In the meantime, the following are publicly available and may be accessed immediately:

1. October 15, 2008, Ohio CAFO Transfer Proposal Federal Register Notice: 73 Fed Reg 61123-61126 (2008): <https://www3.epa.gov/region5/water/npdestek/odacafo.htm> [Second document in Public Notice Documents Section]
2. October 2008 Ohio CAFO Transfer Fact Sheet requesting public comment and hearing information: <https://www3.epa.gov/region5/water/npdestek/ODA/FINAL-ohio-cafo-fact-sheet10-6-08.pdf>
3. February 12, 2003, Federal Register Notice, National Pollutant Discharge Elimination System Permit Regulation and Effluent Limitation Guidelines and Standards for Concentrated Animal Feeding Operations (CAFOs). 68 FR 7176 (2003): <https://www.epa.gov/npdes/animal-feeding-operations-afos-regulations-guidance-policy-and-funding> [First document in Section 2003]

I will be able to send you the complete set of remaining documents that are responsive and releasable to items 4 through 6, and item 7 of your FOIA request by August 19th, if not sooner. Please let me know whether this revised timeframe will work for you. If you have any questions or would like to discuss the schedule further, please contact me at 202.564.2258 or bathersfield.nizanna@epa.gov

Thank you.

Best,
Nizanna

Nizanna Bathersfield
Attorney Adviser
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OWM/WPD/SRB
U.S. Environmental Protection Agency
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Rm. 7135 K
Washington, DC 20004
Phone: 202.564.2258

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From: Bathersfield, Nizanna
Sent: Friday, June 10, 2016 3:45 PM
To: nbell@advocates-nwea.org
Cc: Brennan, Ross <Brennan.Ross@epa.gov>; Utting, George <Utting.George@epa.gov>; Horwitz, Sylvia <Horwitz.Sylvia@epa.gov>
Subject: RE: EPA HQ FOIA-005477

Ok. Thank you for letting us know.

Best,
Nizanna

Nizanna Bathersfield
Attorney Adviser
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From: Nina Bell [<mailto:nbell@advocates-nwea.org>]
Sent: Thursday, June 09, 2016 12:42 PM
To: Bathersfield, Nizanna <Bathersfield.Nizanna@epa.gov>
Cc: Brennan, Ross <Brennan.Ross@epa.gov>; Utting, George <Utting.George@epa.gov>; Horwitz, Sylvia <Horwitz.Sylvia@epa.gov>
Subject: RE: EPA HQ FOIA-005477

Thank you, Nizanna, that is satisfactory. Nina

From: Bathersfield, Nizanna [<mailto:Bathersfield.Nizanna@epa.gov>]
Sent: Tuesday, June 07, 2016 7:16 AM
To: nbell@advocates-nwea.org
Cc: Brennan, Ross; Utting, George; Horwitz, Sylvia
Subject: RE: EPA HQ FOIA-005477

Good morning Nina,

Thank you for your email message. I believe that we can memorialize your additional clarifications by including this email exchange in the record of this FOIA.

We will make sure to include final documents in which EPA has identified the types of changes “that do not warrant EPA review” in the scope of our search. Regarding your question about whether it would be possible that there could be memoranda to the file that would not be releasable under FOIA, I think that is a possibility. In the event that there are documents that are not releasable under FOIA, you would be informed of that fact, and those documents would be identified in a manner consistent with our obligations under the statute.

Please let us know if the above addresses the questions that you’d raised in your email message, and if you have any follow up questions or concerns.

Best,
Nizanna

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From: Nina Bell [<mailto:nbell@advocates-nwea.org>]
Sent: Monday, June 06, 2016 2:30 PM
To: Bathersfield, Nizanna <Bathersfield.Nizanna@epa.gov>
Cc: Horwitz, Sylvia <Horwitz.Sylvia@epa.gov>; Brennan, Ross <Brennan.Ross@epa.gov>; Utting, George <Utting.George@epa.gov>; Schary, Claire <Schary.Claire@epa.gov>
Subject: RE: EPA HQ FOIA-005477

Thank you Nizanna, this is accurate with the following two caveats.

I would add to the end of the first sentence of the second paragraph: "or that do not warrant EPA review."

My only reservation about the last sentence in the second paragraph is this: could there be memoranda to the file that include EPA's decisions that EPA would find are not releasable under FOIA? If so, I would like those to be identified, therefore this blanket clarification could narrow my request one step too far.

I'm not sure how you want to proceed to memorialize our agreement, given these slight but important changes.

Nina

From: Bathersfield, Nizanna [<mailto:Bathersfield.Nizanna@epa.gov>]
Sent: Friday, June 03, 2016 12:25 PM
To: nbell@advocates-nwea.org
Cc: Horwitz, Sylvia; Brennan, Ross; Utting, George; Schary, Claire
Subject: EPA HQ FOIA-005477

Hi Nina,

Thank you again for meeting with us this past Tuesday. As we discussed, please find attached a summary of our meeting. This letter will also be entered into FOIA Online.

Please let me know if you have any questions.

Best,
Nizanna Bathersfield

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